

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico

**FILED**  
United States District Court  
Albuquerque, New Mexico  
Mitchell R. Elfers  
Clerk of Court

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)  
The person of Justen PUERTO,  
Year of Birth 2008

Case No. 23 MR 1684

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.


The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 1153	Offenses committed in Indian Country
18 U.S.C. § 1111	Second Degree Murder

The application is based on these facts:

See attached affidavit, incorporated herein by reference.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
 Applicant's signature  
 Lorraine Hardy, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
 Telephonically Sworn and Electronically Signed (specify reliable electronic means).

Date: August 28, 2023

City and state: Farmington, New Mexico

  
 Judge's signature

B. Paul Briones, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:

The person of Justen PUERTO,  
Year of Birth 2008

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT**

I, Lorraine Hardy, being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person of Justen PUERTO, year of birth 2008, for the purpose of obtaining fingerprints according to the standard practices and procedures employed by the FBI for fingerprint comparison. Based on the facts set forth in this affidavit, there is probable cause to believe that PUERTO violated federal criminal statutes, including but not limited to United States Code Title 18 § 1153 Crimes committed in Indian Country, and United States Code Title 18 § 1111 Second Degree Murder, and that PUERTO's fingerprints will provide evidence of such crimes.

2. I am currently serving as an FBI Special Agent assigned to the FBI, Albuquerque Division, Farmington Resident Agency, where I primarily investigate crimes that occur in Indian Country to include homicide, aggravated assault, child sexual assault, kidnapping and rape. I have been with the FBI for approximately 4 years. I have received on the job training from other experienced agents, detectives, Indian Country criminal investigators, and tribal police officers. My investigative training and experience includes, but is not limited to, processing crime scenes, conducting surveillance, interviewing subjects, targets, and witnesses, writing affidavits for and executing search and arrest warrants, examining cellular telephones, managing confidential human

sources and cooperating witnesses/defendants, serving subpoenas, collecting and reviewing evidence, and analyzing public records.

3. This affidavit is based upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and tribal law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to obtain the requested warrant.

#### **PROBABLE CAUSE**

5. On August 7, 2023, at approximately 6:00 p.m., the Jicarilla Apache Police Department (JAPD) responded to a report of a shooting on East Side Street in Dulce, New Mexico, which is located within the Jicarilla Apache Reservation. I am informed by a JAPDCI, that he responded to the location and found the deceased body of the victim (hereinafter referred to as JOHN DOE), year of birth 2007, lying in the street with seven spent 40-caliber shell casings around JOHN DOE's body. Upon further examination, the JAPD CI observed multiple entry and exit wounds on JOHN DOE's body that appeared to be bullet holes. Based on his training and experience, the JAPDCI believed JOHN DOE was murdered by gunfire and treated the incident as a homicide.

6. Through a joint investigation by JAPD and the FBI, I learned that JOHN DOE's family members and other residents of Dulce believed an individual named Justin Puerto (hereinafter referred to as PUERTO), year of birth 2008, was responsible for the possible murder of JOHN DOE. At approximately 11:00 p.m., JAPD received a tip that PUERTO was presently at 16 Onate Street in Dulce, the residence of his girlfriend (hereinafter referred to as H.L.), year of birth 2007, and H.L.'s mother (hereinafter referred to as M.L.) year of birth 1982. Shortly thereafter, JAPD and the FBI went to 16 Onate Street and JAPD apprehended PUERTO.

7. Based on PUERTO's date of birth, I believed he was approximately 15 years old. PUERTO said he lived with his grandmother (hereinafter referred to as L.W.), year of birth 1957. L.W. stated she is PUERTO's legal guardian. On August 8, 2023, at approximately 12:03 a.m., PUERTO was provided his Miranda Warnings in the presence of L.W. He stated that he understood his rights and agreed to speak with law enforcement. PUERTO stated that he was friends with JOHN DOE and that he heard from multiple sources that JOHN DOE had been killed on the evening of August 7, 2023. PUERTO stated that prior to the murder he was with his older brother Travis Begaye Jr. (hereinafter referred to as BEGAYE), year of birth 2004, hiking on the reservation. After finishing the hike, PUERTO and BEGAYE were walking back and heard nearby gunshots. PUERTO and BEGAYE ran away from the sound of gunshots and went to a family member's house. Eventually, PUERTO and BEGAYE later managed to get back to L.W.'s house. On August 7, 2023, at approximately 7:30 p.m., PUERTO called his girlfriend, H.L. and arranged to have her mother, M.L. pick PUERTO up from his residence and take him to her residence at 16 Onate Street. PUERTO stated that he did not have a firearm and was not of age to purchase one. PUERTO stated he did not know who shot JOHN DOE. PUERTO provided his cellular telephone number as (575) 419-0643.

8. On August 8, 2023, at approximately 12:45 a.m., FBI spoke with BEGAYE in the vicinity of 16 Onate Street. BEGAYE's date of birth is December 15, 2004, meaning he was 18

years old at the time of the interview. During our conversation, BEGAYE stated that he heard JOHN DOE was dead and BEGAYE knew that JOHN DOE and PUERTO were close friends. BEGAYE said he tried to see and speak with PUERTO early in the day on August 7, 2023, but PUERTO's vibe seemed off. BEGAYE informed us that he did not see PUERTO on August 7, 2023, and that he did not go on a hike with PUERTO. BEGAYE further stated that on August 7, 2023, he received three Instagram voice calls from PUERTO around the time that PUERTO said they were on a hike together. BEGAYE does not currently have a telephone, but PUERTO was able to contact BEGAYE through BEGAYE's girlfriend's cellular telephone. During the first call, PUERTO told BEGAYE in sum and substance that he had a plan to make some money. During the second call, PUERTO told BEGAYE in sum and substance that PUERTO successfully made money that afternoon. During the third call, PUERTO called BEGAYE and PUERTO said he had "fucked up." BEGAYE stated that PUERTO sounded like he was crying during the phone call and was questioning whether what happened was worth the money he made. BEGAYE believed that PUERTO was in some way involved in the murder of JOHN DOE.

9. On August 8, 2023, after speaking with H.L., FBI requested the PUERTO's cellular telephone for evidentiary purposes. PUERTO stated his cellular telephone was lost approximately a week before. PUERTO stated he now uses Instagram to voice call people, or he used H.L.'s cellular telephone. PUERTO then opened H.L.'s cellular telephone and showed the recent call history to FBI. There appeared to be calls between H.L. and PUERTO's contact, which was saved as "Justin" with a blue heart symbol, as recently as August 7, 2023. H.L. and M.L. consented to the FBI taking custody of H.L.'s cellphone telephone and examining the contents of the cellular telephone.

10. On August 8, 2023, JPDCI received an Instagram video from a JPD Officer whose daughter is friends with PUERTO on Instagram. The Instagram video depicted PUERTO near River Road Platform in Dulce, which is less than a mile from the scene of the shooting, firing a



black handgun into the air. The Instagram video was posted on the day of the shooting from H.L.'s Instagram handle (the handle is known to your affiant but is withheld because it reveals H.L.'s identity). PUERTO was wearing a black hoodie, white jeans or light-colored jeans, black shoes and a black beanie hat in the video. Later, JAPD retrieved three 40-caliber casings in the same area as where the video was filmed. The 40-caliber casings were the same manufacturer as the 40-caliber casings found at the crime scene – all were Federal Ammunition. The casings were collected and entered into evidence for ballistic examinations at a later date.

11. On August 9, 2023 Dulce High School Administration notified JPDCI they were conducting an internal investigation into multiple statements received by students that PUERTO had threatened them on Thursday and Friday last week (August 3 and 4, 2023). One student (hereinafter referred to as D.L.T.), year of birth 2006, stated PUERTO told him “You better watch your back or this 40 is gonna bite you.” PUERTO gestured with his hand and finger signifying a gun. Later, PUERTO passed D.L.T. in the hallway and said, “you better watch this forty and quit acting like a bitch and keep walking.” Another student (hereinafter referred to as D.J.T.), year of birth 2007, stated PUERTO approached him at school and pointed a finger in D.J.T.'s face and said, “tell tour brother he better watch out for that forty.” D.L.T. and D.J.T. are brothers.

12. On August 9, 2023, JPDCI conducted a witness interview of M.T., year of birth 1984. M.T. lives in a house next to the location of the crime scene. M.T. was driving to Chama at approximately 5:43 PM and saw PUERTO, JOHN DOE, and who she believed to be BEGAYE standing in the road talking. M.T. worked at the Department of Youth Summer Program and knew PUERTO and JOHN DOE. M.T.'s boyfriend (hereinafter referred to as P.A.), year of birth 2003, was driving with her and recognized BEGAYE and knew him as PUERTO's brother. PUERTO was wearing a black hoodie with white graphics and black pants. BEGAYE was also dressed in all black and wore a black covid face mask. Both PUERTO and BEGAYE had stern looks on their faces. JOHN DOE looked at M.T. as she drove by and appeared to be scared. M.T. and P.A. saw

the group, including PUERTO and JOHN DOE, just minutes before JAPD received the call of a shooting at that location.

13. H.L. was interviewed a second time on August 11, 2023, by FBI. It was learned H.L. filmed an Instagram video of PUERTO near River Road Platform shooting the firearm a week prior to the shooting incident. H.L. utilized her cellular device to film the video and upload the video to her Instagram account. H.L. was also PUERTO had in his possession a black handgun (make and model unknown) and PUERTO kept the handgun in a dark colored duffle bag. H.L. also disclosed PUERTO came over to her residence the evening after the incident and while in H.L.'s bedroom, PUERTO told H.L. he "did it." H.L. believed PUERTO was referring to the shooting incident and death of JOHN DOE which occurred earlier that day.

14. FBI executed a search warrant on PUERTO's residence on August 11, 2023. Within the evidence items collected, an Apple iPhone was seized. The device likely belongs to PUERTO, as it was with PUERTO's belongings in his closet. Among the items were identifying belongings of PUERTO's, including his wallet, a black hoodie with a red substance on the front, social security card, and identification. The iPhone was disabled, which is an indication it may have been restored back to factory settings from a remote location.

15. The incident under investigation occurred within the exterior boundaries of the Jicarilla Apache Indian Reservation. PUERTO and JOHN DOE are enrolled members of the Jicarilla Apache Tribe.

16. I intend to send PUERTO's fingerprints, as well as the spent 40-caliber casings located at the crime scene and the 40-caliber casings located at the River Road Platform where the Instagram video was filmed of PUERTO shooting the pistol, to FBI Laboratory for latent fingerprint testing and comparison. These tests will determine whose fingerprints are on the spent-40 caliber casings.


17. PUERTO and JOHN DOE are registered members of the Jicarilla Apache Indian Tribe. This incident occurred within the exterior boundaries of the Jicarilla Apache Indian Reservation.

**CONCLUSION**

18. Based on my training, experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of United States Code Title 18 § 1153 Crimes committed in Indian Country and United States Code Title 18 § 1111 Second Degree Murder, was committed by PUERTO, and that evidence of such violations will be found on the person of Justen PUERTO, year of birth 2008. Latent fingerprint analysis is relevant and material in the context of forensic evaluation with regard to establishing or disproving PUERTO's participation in relation to the present investigation.

19. I respectfully request a search warrant be issued to search the person of Justen PUERTO, year of birth 2008, for the purpose of obtaining fingerprints according to the standard practices and procedures employed by the FBI for fingerprint comparison.

20. Assistant United States Attorney Alexander Flores reviewed and approved this affidavit for legal sufficiency to establish probable cause.

  
\_\_\_\_\_  
Lorraine Hardy  
Special Agent  
Federal Bureau of Investigation

Electronically subscribed and telephonically sworn before me on August 28, 2023

  
\_\_\_\_\_  
B. Paul Briones  
United States Magistrate Judge



ATTACHMENT A

1. The person of Justen PUERTO, year of birth 2008, a Native American male.

ATTACHMENT B

Property to be Seized

From the person of Justen PUERTO, year of birth 2008, a Native American male.

1. Fingerprints according to the standard practices and procedures employed by the FBI.

REFERENCE PHOTOGRAPHS



Photograph 1



Photograph 2